

Reference: IR870

Date issued: 21 April 2023

Letter dated November 2020 from the Auditor General for Wales to Welsh Government

I am writing in response to your request for information dated 14 April 2023 in which you asked for **“a copy of the letter that is mentioned [in the Auditor General’s letter to Adam Price of 6 April 2023] that was sent by the Auditor General to the Welsh Government in November 2020 please? Additionally, could we have a copy of the Welsh Government’s response to that letter and any other relevant correspondence?”**.

Please see attached, copies of the letters requested.

Yours sincerely,

Information Officer

Dr Andrew Goodall CBE
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Reference: AC/233/caf

Date issued: 26 November 2020

Dear Andrew

Betsi Cadwaladr UHB tripartite discussions

I trust you are well and that yourself and your colleagues in the Department are bearing up in the unprecedented circumstances we continue to find ourselves in.

I am writing following the Minister's oral statement on Betsi Cadwaladr University Health Board at the 24th November plenary session in the Senedd. Unfortunately, we only had sight of the statement just before the Minister delivered it so there was no opportunity to offer any views on its content. Had such an opportunity been offered we would have asked for the statement to more clearly reflect that any advice to the Minister on the escalation status is provided by Welsh Government officials, informed by discussions at the tripartite round table. This is a subtle but very important difference to the Minister being directly advised by the tripartite group. You'll probably recall that there have been several previous occasions where we have had to ask that this point is clarified in internal or external communications flowing from the tripartite process.

Those previous requests were rooted in the fact that neither myself as Auditor General, nor Audit Wales staff acting on my behalf can directly advise Ministers. To do so would compromise the independence that goes with the office and functions of the Auditor General and the Wales Audit Office. I am aware that in responding to questions on his statement during the plenary session, the Minister made several references to the independent advice he had received from the tripartite group, and I have to say that did make me feel rather uncomfortable for the reasons I have just set out.

Making it clear that it is Welsh Government officials who provide advice on escalation status of NHS bodies is a helpful and necessary way of dealing with situations where

there is not a universally shared view around the tripartite table. I understand that whilst the recent tripartite discussions on the escalation status of Betsi Cadwaladr UHB did reflect a shared view on the adverse impact that the special measures label is now having on the Health Board, some differing views were expressed on whether the Health Board should stay in special measures organisationally, or for specific services such as mental health. From an Audit Wales perspective, you will know that we have enduring concerns about the Health Board's ability to develop and agree an approvable and financially balanced medium-term plan and underpinning clinical strategy. The interim nature of many senior leadership posts is also of concern to us. The amended notes of the tripartite discussion on 13th November helpfully make that clear. Those notes were also clear that it was the Welsh Government officials who would be recommending a de-escalation. Unfortunately, that clarity did not translate through into the Ministerial statement, or indeed the plenary discussion that followed it.

Myself and the senior Audit Wales staff who participate in the tripartite discussions see the process as hugely valuable in developing a shared understanding of the challenges facing individual NHS bodies and what actions may need to be taken when organisations encounter problems. I would hope that our contributions to the round table discussions are seen as helpful and I am keen that we continue to participate in the process. However, I think that the discussions which have begun to reflect on how the framework is working do need to take on board the concerns I have set out here. I would find it both helpful and re-assuring to know that this will happen both in terms of the framework itself, and the processes and communication flows associated with it.

I would welcome your response to the above in due course, accepting of course how busy yourself and colleagues are at the moment with the on-going responses to the pandemic.

Yours sincerely



ADRIAN CROMPTON

Auditor General for Wales

cc: Simon Dean, Deputy Chief Executive, NHS Wales

Alun Jones, Interim Chief Executive, Healthcare Inspectorate Wales

Stuart Fitzgerald, Interim Deputy Chief Executive, Healthcare Inspectorate Wales

Dave Thomas, Audit Director, Audit Wales

Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/
Prif Weithredwr GIG Cymru
Grŵp Iechyd a Gwasanaethau Cymdeithasol

Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group



Llywodraeth Cymru
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Our Ref: AG/SB

30 November 2020

Dear Adrian

Betsi Cadwaladr UHB Tripartite Discussions

Thank you for your letter dated 26 November 2020.

The support for the tripartite process from both Audit Wales and Healthcare Inspectorate Wales has been welcome alongside Welsh Government officials. As you outline, I think this has represented a real strength of the way in which the escalation process has been discharged in Wales since its inception. I agree that the open exchange of intelligence and views from all participants is hugely valuable both to the process and other considerations.

Whilst we have different system roles, I have personally tried to ensure that the tripartite mechanism operates in an open and challenging manner. I have led and chaired all the tripartite meetings from the establishment of the escalation process to date and, with this consistency, I hope I have facilitated an appropriate and honest environment for all representatives to contribute their views. I believe the framework has genuinely improved our oversight and assessment of health organisations across Wales and allowed for concerns on the performance and response of organisations to be identified and then to be subject to appropriate support and monitoring. Clearly the monitoring and contact with organisations is more significant at the targeted intervention and special measures levels. It is also important to register that the escalation framework is intended to allow organisations to move up and down the framework appropriately according to their circumstances and evidence of concerns or progress. Those of us involved in the escalation process know it is intended to be a supportive mechanism for organisations, whatever the escalation level allocated.

I am very clear that neither yourself as Auditor General, nor Audit Wales staff acting on your behalf can directly advise Ministers and that Audit Wales must discharge an independent

role. You are correct that the process of review and advice does not mean that decisions are taken by the tripartite group. This has been a point of discussion in previous tripartite meetings and as you have referenced, the draft notes of our last meeting properly recognise that Welsh Government officials make the specific recommendation, further to the tone and content of the respective tripartite meetings. I have always respected the discussions and would hope that any recommendation that follows is appropriate in the context of the review.

Whilst it would not be appropriate to share the content of draft Ministerial statements, as they are matters for Welsh Government, you will be aware we did ask for views on language and terminology from both Audit Wales and HIW that fed into the Ministerial Advice. We were grateful for and accepted all these points and I hope this would have provided some assurance of appropriately reflecting the tripartite process. For clarity, of course this did not mean any contribution from Audit Wales in respect of the recommendation.

Noting responses to questions, and the subtle but important difference you make in respect of roles, I will of course highlight the point further to the Minister in terms of ensuring that the involvement of HIW and Audit Wales in the tripartite process is seen to be different from the specific recommendation that emerges from officials following the process.

We are a number of years into the use of the escalation framework and there are a range of organisations who have been escalated and de-escalated in its application. We have already this year undertaken a helpful review of the escalation framework across Welsh Government, Audit Wales and HIW, with views as always openly shared on how we can make this important process work better in the future. We intend to update the escalation framework in 2021-22, informed by the development of the NHS executive proposals, whether as a separate organisation as originally planned or adapted to account for the experience of overseeing the NHS during the pandemic response. I am very happy that the concerns you have set out would be accommodated in any revised framework, including the clarity of respective roles of those who participate.

I would like to reiterate that it is the trust and relationships we have established through this process that has ensured the review process is based on appropriate tone and content. I am very grateful for Audit Wales involvement, noting the importance of its independent role, and from my perspective the process is more considered and effective with this involvement than without. I am grateful for all the Audit Wales staff who have supported the tripartite process from the start, led by Mike and Dave, and I hope that all members would feel that the process has been important in the oversight of NHS Wales.

Yours sincerely



Dr Andrew Goodall CBE